

*Milwaukee County Personnel Review Board*

*Meeting Minutes – December 6, 2016*

**I. Roll Call**

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 8:58 a.m. on Tuesday, December 6, 2016, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Greg Renz, Ms. Mary K. Bruno, Mr. Rufino Gaytán III and Mr. Daniel Dennehy. Ms. Melissa Soberalski was excused.

**II. Approval of the Minutes of the November 8 and 22, 2016 Meeting**

Ms. Bruno moved, Mr. Dennehy seconded, and the Board voted 2-0 to approve the minutes of the November 8, 2016 meeting. Mr. Renz and Mr. Gaytán abstained.

Mr. Renz moved, Mr. Gaytán seconded, and the Board voted 3-0 to approve the minutes of the November 22, 2016 meeting. Ms. Mary K. Bruno abstained.

**III. Communications and/or comments from the public, if any**

None.

**IV. Correspondence**

None.

**V. First Appearances**

**A. DISCHARGES**

**CARLTON PESCHECK, CORRECTION OFFICER I, HOC**

**Case #2-4377 dated 11/15/2016 for HOC IA #16-172B**

The Board heard the report of Carlton Pescheck, that he waived his right to a hearing within 21 days and is requesting a hearing certain. Attorney Carrie Theis, Assistant Corporation Counsel, requested the matter be continued for hearing certain on February 28, 2017. Mr. Pescheck concurred. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing certain on February 28, 2017.

**NATALIE BARNES, CORRECTION OFFICER I, HOC**

**Case #2-4378 dated 11/15/2016 for HOC IA #16-142**

**Case #2-4379 dated 11/15/2016 for HOC IA #16-145**

**Case #2-4380 dated 11/15/2016 for HOC IA #16-147A**

**Case #2-4381 dated 11/15/2016 for HOC IA #16-172A**

The Board heard the report of Attorney Carrie Theis, Assistant Corporation Counsel, that Natalie Barnes, who was not present, has resigned from county service effective

November 13, 2016. The Board acknowledged the resignation of Natalie Barnes and closed the case.

**LILLIAN TORRES, HORTICULTURIST NM 1, PARKS**

**Case #2-4385 dated 11/16/2016**

The Board heard the report of Attorney Craig Johnson, on behalf of AFSCME District Council 32, that Lillian Torres, who was present, waived her right to a hearing within 21 days and is requesting a hearing certain. Attorney Carrie Theis, Assistant Corporation Counsel, requested the matter be continued for hearing certain on February 28, 2017. Attorney Johnson concurred. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing certain on February 28, 2017.

**FRANCESCA DAWSON, IT PROJECT MANAGER, IMSD**

**Case #2-4386 dated 11/22/2016**

The Board heard the report of Attorney Carrie Theis, Assistant Corporation Counsel, that the employee, Francesca Dawson, who was not present, waived her right to a hearing within 21 days and is requesting a hearing certain on February 14, 2017. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing certain on February 14, 2017.

**B. SUSPENSIONS**

**JENNIFER MATTHEWS, CORRECTION OFFICER I, SHERIFF**

**Case #1-4382 dated 11/15/2016 for IA #16-175**

The Board heard the report of Attorney Carrie Theis, Assistant Corporation Counsel, that Jennifer Matthews, who was not present, submitted a waiver of hearing on the Notice of Suspension. Mr. Gaytán moved, Ms. Bruno seconded, and the Board, by unanimous vote (4-0) accepted the waiver and closed the case.

**CORIN JONES, CORRECTION OFFICER I, SHERIFF**

**Case #1-4383 dated 11/15/2016 for IA #16-176 for 3 days**

**Case #1-4384 dated 11/15/2016 for IA #16-205 for 5 days**

The Board heard the report of Attorney Craig Johnson, on behalf of AFSCME District Council 32, that Corin Jones, who was not present, waived her right to a hearing within 21 days and is requesting a hearing certain. Attorney Carrie Theis, Assistant Corporation Counsel, requested the matter be continued for hearing certain on January 31, 2017. Attorney Johnson concurred. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing certain on January 31, 2017.

## **VI. Hearings**

### **A. DISCHARGES**

#### **BRIAN FOX, DEPUTY SHERIFF 1, SHERIFF**

##### **Case #2-4354 dated 08/30/2016 for IA #16-057**

Attorney Graham Wiemer appeared on behalf of Brian Fox, who was not present. The appointing authority appeared by Attorney Carrie Theis, Assistant Corporation Counsel. The Board found that, as Brian Fox was discharged by the Board on November 22, 2016, following his hearing for IA #16-089, the Board does not have jurisdiction to hear the matter for discharge for IA #16-057 as Mr. Fox is not an employee of Milwaukee County. Attorney Theis and Attorney Wiemer concurred.

Mr. Renz moved, Mr. Gaytán seconded, the Board by unanimous vote (4-0) found that it did not have jurisdiction to hear the matter for discharge for IA #16-057 and will hold this matter in abeyance pending any reversal of the Board's decision concerning IA #16-089.

#### **VICTORIA MIKULA, DEPUTY SHERIFF 1, SHERIFF**

##### **Case # 2-4348 dated 08/08/2016 for IA #15-136**

Prior to hearing this matter, Attorney Graham Wiemer, MacGillis Wiemer, LLC, renewed his objection from September 13, 2016, arguing that Ms. Mikula's pending litigation against the Board in Circuit Court could create bias for the Board in this matter and that it was not appropriate for the Board to hear this matter at this time. Attorney Carrie Theis, Assistant Corporation Counsel for the appointing authority, argued that there is neither bias nor objection from the appointing authority to proceed with the hearing as scheduled.

*At 9:40 a.m., Ms. Bruno moved, Mr. Gaytán seconded, and the Board voted 4-0 to go into closed session to discuss the whether to proceed with the Victoria Mikula matter. At 9:47 a.m., the Board reconvened in open session.*

Mr. Renz moved, Mr. Gaytán seconded, and the Board voted (4-0) to proceed to hearing as scheduled, denying Ms. Mikula's request to postpone.

*After hearing all the testimony and evidence presented by the parties, at 2:57 p.m., Ms. Bruno moved, Mr. Gaytán seconded, and the Board voted 4-0 to go into closed session to deliberate on the Victoria Mikula matter and discuss the Brian Fox findings for IA #16-089 as well as pending litigation matters. Ms. Mary K. Bruno left the meeting at 3:20 p.m. after the conclusion of the Victoria Mikula deliberation. At 4:02 p.m., the Board reconvened in open session.*

Ms. Bruno moved, Mr. Renz seconded, and the Board, by unanimous vote (4-0) found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (i), (k), (l), (t), (u), (v) and (x), specifically Milwaukee

County Sheriff Office Rules and Regulations 202.14, 202.15, 202.17, 202.25 and 202.46, and upheld the Charges for Discharge against Ms. Mikula.

**VII. Litigation Updates**

*At 2:57 p.m., Ms. Bruno moved, Mr. Gaytán seconded, and the Board voted 4-0 to go into closed session to deliberate on the Victoria Mikula matter, Brian Fox findings for IA #16-089 and litigation matters. Ms. Mary K. Bruno left the meeting at 3:20 p.m. after the conclusion of the Victoria Mikula deliberation. At 4:02 p.m., the Board reconvened in open session.*

**VIII. Adjournment**

Mr. Renz moved, Mr. Gaytán seconded, and the Board, by unanimous vote (3-0), adjourned the meeting at 4:03 p.m.

Minutes submitted by: Alisha Terry, PRB/Ethics Board Administrative Assistant